

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF

GLEN COPPERSMITH and ED HUMMEL,

Appellants,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,
AL BRAZELL, BOB SKARPERUD,
BRUCE ELLINGSEN, KATHLEEN
ELLINGSEN, JUNIPER ROAD FARMS,
CARL ELLINGSEN, and JAMES C.
ELLINGSEN,

Defendants.

PCHB Nos. 78-90, 78-91, 78-92,
78-93, ~~78-184, 78-185,~~
~~78-186, 78-187, and~~
~~78-188~~

STIPULATION AND PROPOSED ORDER

Appellants Glen Coppersmith and Ed Hummel, represented by John G. Schultz, Defendant Bob Skarperud, represented by Edward H. McKinlay, Defendant Al Brazell, on his own behalf, and Defendant Department of Ecology, represented by Robert E. Mack, hereby stipulate and agree to the following:

1. This stipulation is intended to be the basis for a final dismissal of those of the above-named causes of action which have not yet been dismissed, and each party has had the opportunity to fully consider this stipulation and enters into it freely.

SLADE GORTON, ATTORNEY GENERAL
ROBERT E. MACK
Assistant Attorney General
Temple of Justice

Olympia
98504

, Wa 753-6672
Telephone

2. For a period of time to expire on September 1, 1980, the Department of Ecology will refrain from any final favorable action regarding applications for permits for the withdrawal of public ground water where the applications pertain to a point of withdrawal located within any of the following sections:

a. Sections 1, 2, 11, 12, and 13-36 of T. 11 N., R. 31 E.;

b. Sections 1-18 of T. 10 N., R. 31 E.; and

c. Sections 1, 2, 11-14, 23-25, and 36 of T. 11 N., R. 30 E.W.M.

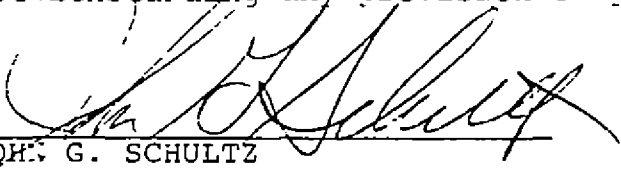
3. For the same period of time as that stated above, the Department of Ecology will collect well data, including information on pumping and water levels, for the lands of the above-named parties and of other persons whose lands are located in the Smith Canyon area, and in related areas. These data will be collected for the purpose of studying and determining the effect of present and proposed withdrawals on aquifers located in the areas referred to above.

4. All of the above-named parties will provide the Department with information requested by the Department in relation to the study referred to in paragraph 3, will allow Department employees to go on to their property at reasonable times to collect well and pumping information, and will cooperate with the Department in the performance of relevant pump tests.

5. If, in the opinion of the Department, a permit may be issued for an application where the point of withdrawal is located within a section referred to in paragraph 2 without affecting adversely any right of the appellants herein, the Department will discuss such issuance

STIPULATION AND
PROPOSED ORDER

1 with the appellants and order such issuance, with their approval,
2 notwithstanding any provision of paragraph 2 to the contrary.

3
4 
JOHN G. SCHULTZ

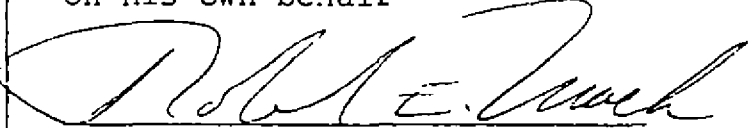
5 On behalf of Appellants Glen
6 Coppersmith and Ed Hummel

7 
EDWARD H. MC KINLAY

8 On behalf of Defendant Bob Skarperud

9
10 
AL BRAZELL

11 On his own behalf

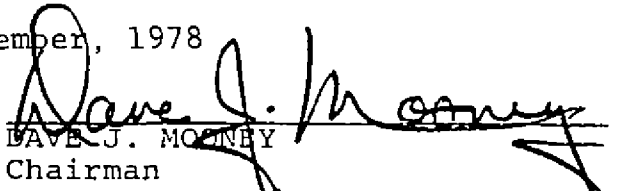
12 
13 ROBERT E. MACK


14 On behalf of Defendant
15 State of Washington


16 ORDER

17 Having considered the preceding stipulation and the other papers
18 on file in this case, the Board orders the dismissal of those of the
19 above-named appeals that have not yet been dismissed, with prejudiced,
20 pursuant to the above stipulation.

21 DATED this 25th day of December, 1978

22 
DAVE J. MOONEY
Chairman

23 
24 DAVID AKANA
Member

25 
26 CHRIS SMITH
Member

27 STIPULATION AND
PROPOSED ORDER